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Attorneys for Plaintiff
 FREECYCLESUNNYVALE,

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT
OAKLAND DIVISION

FREECYCLESUNNYVALE,
 a California unincorporated association,

Plaintiff,

v.

THE FREECYCLE NETWORK,
 an Arizona corporation,

Defendant.

AND RELATED COUNTERCLAIMS

Case No. C06-00324 CW

**[PROPOSED] ORDER GRANTING
 SUMMARY JUDGMENT**

1 On September 27, 2007, Plaintiff and Counterdefendant FreecycleSunnyvale's Motion
2 for Summary Judgment, or In the Alternative, Summary Adjudication, on FreecycleSunnyvale's
3 First Claim for Relief and The Freecycle Network's ("TFN") Counterclaims ("Motion") came on
4 for hearing before this Court.

5 Having considered all papers filed in support of and in opposition to Plaintiff's Motion,
6 including the supplemental motion ordered at the September 27 hearing, and for good cause
7 appearing, THE COURT HEREBY FINDS that there is no genuine issue of material fact that
8 TFN engaged in naked licensing and that, as a matter of law, TFN's naked licensing is
9 dispositive of TFN's trademark claims against FreecycleSunnyvale.

10 THE COURT THEREFORE ENTERS SUMMARY JUDGMENT IN
11 FREECYCLESUNNYVALE'S FAVOR on all of FreecycleSunnyvale's claims and all of TFN's
12 counterclaims.

13 THE COURT FURTHER ORDERS TFN to, within ten court days of the effective date of
14 this Order:

- 15 (1) provide notice of this Order to Yahoo!, Inc.;
- 16 (2) inform Yahoo!, Inc., in writing, that TFN relinquishes any claim it has, or any person
17 acting on its behalf has, to the Yahoo! group freecyclesunnyvale;
- 18 (3) inform Yahoo!, Inc., in writing, that TFN has no objection to FreecycleSunnyvale's
19 use of the term "freecycle" in the name of its Yahoo! group; and
- 20 (4) request, in writing, that Yahoo! reinstate FreecycleSunnyvale's access to the Yahoo!
21 group freecyclesunnyvale.

22 IT IS SO ORDERED.

23 Dated: _____

24 _____
25 Honorable Claudia Wilken
26 United States District Court Judge
27 Northern District of California
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